



Scotland Land Records

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Land records are sources which are often neglected by those doing Scottish research. A reason for neglecting them is often “my ancestor was too poor.” We should never put limits on our ancestors. Although these records contain more for the upper to middle classes, they also contain some of the lower classes as well. These records can be a goldmine of information. There were many records dealing with land including: services of heirs, deeds, sasines, notarial protocol books, the Great Seal, estate records, and valuation rolls. Additionally, information about these records can be found in the FamilySearch Wiki at wiki.familysearch.org and on the National Archives of Scotland website at www.nas.gov.uk.

TYPES OF SCOTLAND LAND RECORDS

- Services of Heirs (Process for finding the Heir)
- Sasines (Transfer of Land)
- Notarial Protocol Books
- Deeds
- Estate Records
- Valuation Rolls
- The Great Seal
- The Privy Seal
- Signatures

For detailed information on these types of records go to wiki.familysearch.org and in the search box type ‘Scotland Land Records,’ or go to the National Archives of Scotland website www.nas.gov.uk.

WHEN TO USE LAND RECORDS

- After first searching church records, civil registration, census records, and testaments
- If you know that your ancestor owned land
- If your ancestor was middle to upper class
- When searching for family relationships
- When you have hit a “brick wall” in your research

STRATEGY FOR USING LAND RECORDS

1. Search the Testaments/Wills (Indexes available on www.scotlandspeople.gov.uk).
 - Before 1868 these are the “movable” items such as household goods, clothes, money, etc. that were part of the will.
2. Search the Services of Heirs (most accessible land records).
 - These are the “immovable” items such as the home, land, farm, buildings, etc. Before 1868, these items could not be passed down in a will.
 - Name family relationships

3. Search the Sasines Records (Land transfers from one owner to the next)
4. Search the Register of Deeds
5. Search Estate Records
6. Search other land and court records (many only available at the National Archives of Scotland (www.nas.gov.uk)).

IMPORTANT TIPS TO KNOW

- Land in Scotland could not be bequeathed in a will before 1868
- By law, the eldest son inherited (primogeniture)
- If there was no son, property was equally divided among all the daughters
- The heir of the deceased had to prove his entitlement
- Only a small percent of people owned land (fewer than 3,000 men met the voters qualification in 1788)
- Know names and places of where your ancestor lived
- Understand the different levels of Scotland place jurisdictions
- Understand some background of why these records were created
- You may need to know how to read Old English handwriting, some Latin, and old Scottish terms.

RETOURS AND SERVICES OF HEIRS

Process for tracking down the legal heir:

Heritable (real) or immovable property included land, buildings and mineral rights.

- When a landowner died, Chancery courts sent a letter (Brief of Successions) to the Sheriff courts asking for an investigation to determine the legal heir.
- A jury of local landowners was selected who determined the legal heir.
- The Sheriff courts then sent a retour (decision and findings of the jury) back to Chancery court who tried to track down the heir (Services of Heirs).
- They are some of the most important Scottish land records for establishing relationships and identifying properties.

Availability of records at the Family History Library:

1) Indexes:

- Decennial Indexes, 1700-1859 (**Q book 941 R2ch vols. 1-4**)
- Index to the records of services kept in chancery, 1860-1959 (**941 R2cha**)
- Scottish-American Heirs, 1683-1883: An alphabetical list of American heirs of deceased Scottish landowners extracted from the Services of Heirs. (www.ancestry.com)
- Services of Heirs: refused petitions, 1849-1851 (231,903)

2) Abstracts:

- Abstracts, 1544-1700 [in Latin] online at (www.familysearch.org)

- These are cataloged under the name: **Inquisitionum ad cappellam regis retornatarum...abbreviatio**
- Abstracts of Services of Heirs... 1855-1955 (**941 P2scs v. 31-130**)

3) Original records:

- Original records- Services of Heirs, 1530-1900 [in Latin until 1847] (**941 A2i**) microfilm **231,260-231,566**
- Retours of services of heirs, 1544-1699 (**CD-ROM no. 252**)
Regality or local courts & Burgh courts- (Scottish Record Offices)

To find the Services of Heirs: Indexes, Abstracts, and Original records go to:

- www.familysearch.org
- Go to **Search**
- Click **Catalog**
- In the '**Keywords**' search type '**Services of Heirs**'

The screenshot shows the FamilySearch Catalog search results for the keyword 'Services of Heirs'. The interface includes a search bar at the top with a 'Search' button (#1), a 'CATALOG' tab (#2), and a left sidebar with search filters (#3). The search results list various records, with annotations pointing to specific entries:

- Abstracts 1855-1955**: Points to the entry 'Abstract services of heirs and edictal citations, 1855-1955'.
- Indexes 1700-1859**: Points to the entries 'Decennial indexes to the services of heirs in Scotland, commencing January 1, 1700--ending December 31, 1859'.
- Abstracts (CD) 1544-1700**: Points to the entry 'Retours of services of heirs : inquisitionum ad capellam domini regis retornatarum abbreviatio, 1544-1699, volumes 1-3'.
- Original Records 1530-1900**: Points to the entry 'Services of heirs, 1530-1900'.
- Abstracts (online) 1544-1700**: Points to the entry 'Inquisitionum ad capellam regis retornatarum ... abbreviatio'.

The search results also show a list of records with their authors and dates, and a pagination bar at the bottom with a 'Previous' button and a 'Next' button.

Register of Tailzies

- Called a Deed of Tailzie or Entail
- Allowed a Landowner to decide who would inherit the estate for generations to come.
- The heir usually had to take the surname of the entailer along with the lands.
- Legal to entail estates between 1685 and 1914
- After 1848, estate could be disentailed. These records continue beyond 1914.
- Indexes range from 1688-1833. The Family History Library has indexes from 1685-1784. The National Library of Scotland has indexes after 1833.

To learn more about Scotland Land Records go to:

- www.familysearch.org
- Go to Search
- Click Wiki
- In the search box type "Scotland Land Records."

Or go to The National Archives of Scotland at the following links:

- <http://www.nas.gov.uk/guides/inheriting.asp>
- www.nas.gov.uk

READING THE RECORDS

Some records are in Latin or are difficult to read. In order to interpret what you find, you may need to use some of the following sources.

- Scottish Handwriting website <http://www.scottishhandwriting.com> with tutorials
- ScotlandsPeople online resources at <http://www.scotlandspeople.gov.uk>. Click on the link for the "Site Map" at the very bottom of the webpage.
- Burness, Lawrence. ***A Scottish Genealogist's Glossary***. Aberdeen: Aberdeen & North East Scotland Family History Society, c1990. (FHL British Ref 941 D27bL)
- ***A Scottish Historian's Glossary***. [Scotland]: Scottish Association of Family History Societies, c1997. (FHL British book 941 H26b)
- ***Encyclopedia of the Laws of Scotland***. 16 vols and 2 supps. Edinburgh: W. Green & Son, Ltd., 1926. (FHL British book 941 P36e)
- Gibb, Andrew Dewar. ***Student's Glossary of Scottish Legal Terms***. Edinburgh: W. Green & Son, Ltd., 1946. (FHL British book 941 P36g)
- Goulesbrough, Peter. ***Formulary of Old Scots Legal Documents***. Vol. 36. Edinburgh: The Stair Society, 1985. (FHL British book 941 B4st v. 36)